

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
 2 FREDERICK K. LOWELL #66641
 2 BRUCE A. ERICSON #76342
`bruce.ericson@pillsburylaw.com`
 3 ANITA D. STEARNS MAYO #142749
 MARC H. AXELBAUM #209855
 4 `marc.axelbaum@pillsburylaw.com`
 AUGUST O. STOFFERAHN #229957
 5 `august.stofferahn@pillsburylaw.com`
 50 Fremont Street
 6 Post Office Box 7880
 San Francisco, CA 94120-7880
 7 Telephone: (415) 983-1000
 Facsimile: (415) 983-1200
 8
 Attorneys for Plaintiffs
 9

10 DENNIS J. HERRERA, #139669
 City Attorney
 WAYNE K. SNODGRASS, #148137
 11 JONATHAN GIVNER, #208000
 ANN O'LEARY, #238408
 12 Deputy City Attorneys
 #1 Dr. Carlton B. Goodlett Place
 13 City Hall, Room 234
 San Francisco, California 94102-4682
 14 Telephone: (415) 554-4694
 Facsimile: (415) 554-4675
 15 E-Mail: `jon.givner@sfgov.org`

16 Attorneys for Defendants

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN FRANCISCO DIVISION

20
 COMMITTEE ON JOBS CANDIDATE
 21 ADVOCACY FUND, et al.,

22 Plaintiffs,

23 vs.

24 DENNIS J. HERRERA, in his official
 capacity as City Attorney of the City and
 25 County of San Francisco, et al.,

26 Defendants.

Case No. C-07-3199 JSW

**STIPULATION AND [PROPOSED]
ORDER STAYING LITIGATION
PENDING APPEAL IN SAN JOSE
SILICON VALLEY CHAMBER OF
COMMERCE PAC v. CITY OF SAN JOSE
(USCA Dkt. 06-17001)**

Date:	November 2, 2007
Time:	1:30 p.m.
Courtroom:	2, 17 th Fl.
Judge:	Hon. Jeffrey S. White

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RECITALS

2 A. On August 10, 2007, Plaintiffs Committee on JOBS Candidate Advocacy
 3 Fund and Building Owners and Managers Association of San Francisco Independent
 4 Expenditure PAC (“Plaintiffs”) moved for a Preliminary Injunction (“Motion”) to enjoin
 5 Defendants Dennis J. Herrera, in his official capacity as City Attorney of the City and
 6 County of San Francisco, Kamala D. Harris, in her official capacity as District Attorney of
 7 the City and County of San Francisco, the San Francisco Ethics Commission of the City
 8 and County of San Francisco, and the City and County of San Francisco (collectively,
 9 “Defendants”) from enforcing Sections 1.114(c)(1) and 1.114(c)(2) of the San Francisco
 10 Campaign Finance Reform Ordinance (“CFRO”), codified in the San Francisco Campaign
 11 and Governmental Conduct Code, and Regulation 1.114-2 of the Regulations to the CFRO.
 12 Dkt. 11-15, 28-30.

13 B. Defendants opposed the Motion. Dkt. 19-23.

14 C. The Court issued a Notice of Tentative Ruling and Questions (Dkt. 31) and
 15 then held oral argument on the Motion on September 17, 2007. Dkt. 35.

16 D. On September 20, 2007, the Court entered an Order Granting Plaintiffs’
 17 Motion for Preliminary Injunction. Dkt. 37 (“Order”). The Order by its terms “shall
 18 remain in effect until dissolved by further order of this Court.” Order at 9:12-13.

19 E. This issues presented by this case are in some respects similar to those
 20 presented by *San Jose Silicon Valley Chamber of Commerce Political Action Committee v.*
21 City of San Jose, No. C-06-04252-JW, 2006 WL 3832794 (N.D. Cal. Sept. 20, 2006)
 22 (“COMPAC”), in which Judge Ware invalidated City of San Jose’s ordinance limiting
 23 contributions to independent expenditure committees and enjoined its enforcement.

24 F. Defendants in COMPAC have appealed Judge Ware’s ruling to the Ninth
 25 Circuit. That appeal (the “COMPAC Appeal,” USCA Dkt. 06-17001) is fully briefed and
 26 awaiting oral argument. The outcome of the COMPAC Appeal is likely to provide
 27 significant guidance for further proceedings in this case.

28 G. Given the status of the COMPAC appeal, Plaintiffs and Defendants believe

1 that, in the interests of judicial economy, it would be best to stay further proceedings in this
 2 case, leaving the Order in place, until the Ninth Circuit rules on the *COMPAC* appeal, after
 3 which the parties and the Court can evaluate and discuss how best to proceed with this case.

4 **STIPULATION**

5 Plaintiffs and Defendants, by and through their respective counsel, hereby stipulate
 6 as follows and request that the Court enter an order embodying this stipulation:

7 1. All proceedings in this action shall be stayed until further order of the Court.
 8 2. The initial case management conference currently set for November 2, 2007
 9 shall be taken off calendar, to be reset on a date satisfactory to the Court after the Ninth
 10 Circuit panel's decision in the *COMPAC* Appeal.

11 3. Within thirty days after the Ninth Circuit panel's decision in the *COMPAC*
 12 appeal, the parties shall meet and confer and then file a Notice of Ruling and Request for
 13 Case Management Conference, which shall set forth the parties' proposed next steps for this
 14 litigation.

15 4. During the pendency of the stay, the Order shall remain in effect.

16 Dated: October 25, 2007.

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DENNIS J. HERRERA
 City Attorney
 WAYNE K. SNODGRASS
 JONATHAN GIVNER
 ANN M. O'LEARY
 Deputy City Attorneys
 #1 Dr. Carlton B. Goodlett Place
 City Hall, Room 234
 San Francisco, California 94102-4682

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By _____ /s/ *Ann M. O'Leary*
 Ann M. O'Leary
 Attorneys for Defendants

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1 Dated: October 25, 2007.

2 PILLSBURY WINTHROP SHAW PITTMAN LLP
3 FREDERICK K. LOWELL
4 BRUCE A. ERICSON
5 ANITA D. STEARNS MAYO
6 MARC H. AXELBAUM
7 AUGUST O. STOFFERAHN
8 50 Fremont Street
9 Post Office Box 7880
San Francisco, CA 94120-7880

10 By _____ /s/ Bruce A. Ericson
11 Bruce A. Ericson

12 Attorneys for Plaintiffs

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14 DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

15 I, MARC H. AXELBAUM, hereby declare pursuant to General Order 45, § X.B,
16 that I have obtained the concurrence in the filing of this document from the other signatory
17 listed above.

18 I declare under penalty of perjury that the foregoing declaration is true and correct.

19 Executed on October 25, 2007, at San Francisco, California.

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21 _____ /s/ Marc H. Axelbaum
22 Marc H. Axelbaum

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1 **[PROPOSED] ORDER**

2 Pursuant to the foregoing Stipulation, and good cause appearing,

3 IT IS HEREBY ORDERED that:

4 1. All proceedings in this action are hereby **STAYED**.

5 2. The Initial Case Management Conference currently set for November 2,

6 2007 is hereby taken off calendar.

7 3. Within thirty days of the Ninth Circuit panel's decision in *San Jose Silicon*

8 *Valley Chamber of Commerce Political Action Committee v. City of San Jose*, USCA Dkt.

9 06-17001 (9th Cir.), the parties shall meet and confer and then file a Notice of Ruling and

10 Request for Case Management Conference, which shall set forth the parties' proposed next

11 steps for this litigation.

12 4. Unless otherwise ordered by the Court, the Order Granting Plaintiffs'

13 Motion for Preliminary Injunction (Dkt. 37) shall remain in effect during the pendency of

14 the stay.

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 Dated: October 26, 2007



Hon. Jeffrey S. White
United States District Judge

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